

---

HOUSE BILL 1890

---

State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Strow, O'Brien, Darneille, Jarrett, Williams, Hasegawa, Lantz, Pedersen, Hunt, Flannigan, Wood and Ormsby

Read first time 01/31/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to requiring DNA evidence prior to the imposition  
2 of the death penalty; adding new sections to chapter 10.95 RCW;  
3 creating new sections; prescribing penalties; and providing an  
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** This act may be known and cited as the DNA  
7 testing act of 2007.

8            NEW SECTION.    **Sec. 2.** (1) The legislature finds that:

9            (a) One hundred twenty-three people in the United States have been  
10 exonerated from death row based on postconviction DNA testing;

11            (b) On May 27, 2005, Texas passed a law stating that all felons  
12 must submit a DNA sample;

13            (c) Gary Ridgway, the Green River Killer, was identified as being  
14 guilty based on DNA evidence;

15            (d) In Maryland on January 1, 2004, a student senate passed a bill  
16 mandating postconviction DNA tests prior to the implementation of the  
17 death penalty; and

1 (e) A similar proposal was submitted to the Washington state  
2 legislature in 2006 as House Bill No. 3230.

3 (2) The purposes of this act are:

4 (a) To prevent the incarceration or wrongful execution of innocent  
5 persons; and

6 (b) To alleviate the financial burden placed on taxpayers during  
7 the appeals process of a death sentence for individuals who may be  
8 exonerated later.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.95 RCW  
10 to read as follows:

11 (1) Except as provided in subsection (2) of this section, the state  
12 of Washington may not impose the death penalty upon any person  
13 convicted of aggravated first degree murder unless DNA evidence is  
14 introduced and assists in the person's conviction.

15 (2) The death penalty may be implemented without DNA evidence if:

16 (a) The defendant has confessed to committing aggravated first  
17 degree murder; or

18 (b) There is technological evidence that shows that the defendant  
19 committed aggravated first degree murder.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.95 RCW  
21 to read as follows:

22 The definitions in this section apply to sections 1 through 3 of  
23 this act unless the context clearly requires otherwise.

24 (1) "Accused" means a person against whom a criminal action is  
25 brought.

26 (2) "Aggravated first degree murder" has the same meaning as in RCW  
27 10.95.020.

28 (3) "Confession" means a written or oral acknowledgment of guilt by  
29 a person accused of an offense.

30 (4) "Crime" means a serious violation of public law.

31 (5) "Exonerated" means the freeing or clearing from accusation or  
32 guilt.

33 (6) "Implement" means to enforce or fulfill a duty.

34 (7) "Postconviction DNA testing" means DNA testing that convicted  
35 persons may request after their conviction.

1 (8) "Show" means to make manifest or apparent or to demonstrate,  
2 display evidence, or reveal.

3 (9) "Technological evidence" means advanced or sophisticated  
4 devices that furnish proof, including video cameras.

5 NEW SECTION. **Sec. 5.** (1) This act applies to all state law, and  
6 the implementation of that law, whether statutory or otherwise, and  
7 whether adopted before, on, or after the effective date of this act.

8 (2) Statutory law adopted on or after the effective date of this  
9 act is subject to the requirements of this act unless the law  
10 explicitly excludes such application by reference to this act.

11 NEW SECTION. **Sec. 6.** Nothing in this act shall be construed to  
12 affect, interpret, or in any way change the Constitution of the United  
13 States or the Constitution of the state of Washington.

14 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2008.

--- END ---